the United Kingdom have personally traveled to foreign capitals, including Moscow, Islamabad, and New Delhi, as part of the effort to build this international coalition; and

Whereas British military forces participated in the initial strikes against the Taliban and the Al Qaeda terrorist network and continue to fight side by side with United States forces in this war against terrorism: Now, therefore, be it

*Resolved*, That the Senate—

(1) extends its most heartfelt appreciation to the United Kingdom for its unwavering solidarity and leadership as an ally of the United States; and

(2) reaffirms the special relationship of history, shared values, and common strategic interests that the United States enjoys with the United Kingdom.

## EXPRESSING SENSE OF CONGRESS REGARDING NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res 44, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 44) expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2159

Mr. REID. Mr. President, it is my understanding Senators FITZGERALD and DURBIN have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FITZGERALD, for himself, and Mr. DURBIN, proposes an amendment numbered 2159.

The amendment is as follows:

(Purpose: To express the sense of the Congress regarding National Pearl Harbor Remembrance Day)

Strike all after the resolving clause and insert the following:

''That the Congress, on the occasion of the 60th anniversary of December 7, 1941, pays tribute to—

''(1) the United States citizens who died as a result of the attack by Japanese imperial forces on Pearl Harbor, Hawaii; and

''(2) the service of the American sailors and soldiers who survived the attack.''.

Mr. REID. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2159) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 44), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 44

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be December 7, 2001;

Whereas on August 23, 1994, Public Law 103–308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas Public Law 103–308, reenacted as section 129 of title 36, United States Code, requests the President to issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress, on the occasion of the 60th anniversary of December 7, 1941, pays tribute to—

(1) the United States citizens who died as a result of the attack by Japanese Imperial Forces on Pearl Harbor, Hawaii; and

(2) the service of the American sailors and soldiers who survived the attack.

## SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 143, S. 1196.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1196) to amend the Small Business Investment Act of 1958 and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the Bond and Kerry amendment which is at the desk be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2160) was agreed to, as follows:

(Purpose: To amend the bill with respect to subsidy fees)

On page 2, lines 8 and 16, strike ''1.28'' each place it appears and insert ''1.38''.

Mr. KERRY. Mr. President, it is very important that we pass S. 1196, the Small Business Investment Company Amendments Act of 2001, today. Until this legislation is enacted, the SBA cannot provide any leverage to the SBICs to make investments. We need to vote, send it to the House and on to the President's desk for signature.

I joined Senator BOND in introducing this bill in July and all 19 members of our committee have agreed unanimously in favor of its passage. Why does it enjoy so much support? For anyone who missed the article in the Washington Post on November 1, let me talk about the track record of SBA's venture capital program and the role it plays in our economy.

Last year, the Agency financed 4,600 venture capital deals, investing $5.6 billion in our fastest-growing small businesses. Over the last 5 years, investing by SBIC-licensed firms has accounted for half of all venture-financing deals. Since its inception, the program has also returned $700 million directly to Federal coffers. Despite this impressive track record, the President's budget eliminated funding for the SBIC participating securities program and reduced the program level for the debenture program, which requires no appropriations. With venture capital having all but dried up, this is no time to eliminate funding and restrict activity for the SBIC programs. As I have said so many times, the programs at the SBA are a bargain. For very little, taxpayers leverage their money to help thousands of small businesses every year and fuel the economy.

In the SBIC participating securities program last year, taxpayers spent $1.31 for every $100 leveraged for investment in our fastest-growing companies—companies like Staples, Callaway Golf, Federal Express, and Apple Computer.

The main purpose of this act is to adjust the fees charged to Participating Security SBICs from 1 percent to 1.38 percent. The change is necessary because, at the President's request, all funding for this program was eliminated. I disagree with that. I preferred to show fiscal responsibility by level funding the program and then increasing the fees only as much as necessary to raise the program level from $2 billion to $3.5 billion. Consistent with that opinion, as my colleagues may remember, Senator BOND and I offered an amendment to the Budget Resolution, Amendment No. 183, that did just that. It was agreed to in the Senate by voice vote in April and retained in the final budget resolution. Unfortunately, the appropriators had very tough decisions to make and the funding agreed to in our budget amendment was not included in the appropriations process. Despite my disagreement, I am supporting S. 1196 and joining Senator BOND in offering this amendment because if we want to continue this program, it must be funded entirely through fees, which forces us to authorize the fee change.

For the record, let me state that the National Association of Small Business

Investment Companies testified before both the Senate and House Committees on Small Business in favor of increasing the program level from $2 billion to $3.5 billion. As I just explained, this legislation makes that possible.

The other modifications strengthen the oversight and authority of the SBA to take action against bad actors, protect the integrity of the program, and streamline operations.

Mr. BOND. Mr. President, I rise today to urge my colleagues in the Senate to pass the ''Small Business Investment Company Amendments Act of 2001,'' S. 1196. This bill is important for one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees.

There has been a significant growth in the small business sector of the U.S. economy over the past two decades. Today, small businesses make up over ½ of the entire U.S. economy. Over 99 percent of all employers in the United States are small businesses. They employ over 50 percent of workers and provide 75 percent of the net new jobs each year. Small businesses generate 51 percent of the Nation's private sector output. In light of the ongoing dip in the U.S. economy with the accompanying retrenchment by many businesses, both large and small, S. 1196 will serve as part of the solution to move us toward a recovery.

Before voting on S. 1196, I will offer an amendment that will permit the Small Business Administration to increase fees paid by Small Business Investment Companies up to 1.38 percent. When the Committee on Small Business unanimously approved the bill on July 19, 2001, the Committee adopted a fee increase from 1.0 percent to 1.28 percent. At that time, some members of the committee believed they could obtain an appropriation for the SBIC Participating Securities Program that would offset part of the fee increase. At this time, it appears unlikely that the Conferees on the Commerce Justice State Appropriations bill will approve any funds for the SBIC program. Consequently, it is critical that the Senate approve a fee increase to 1.38 percent, as required by the Federal Credit Reform Act of 1990; otherwise, the SBIC Participating Securities Program will be shut down.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000–$3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nations best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, Federal Express received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufacturers utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business, CFB, Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided $500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of $10 million and 115 employees. SBIC program success stories like Ms. Hunter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list of 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received SBIC financing during their critical growth years.

The ''Small Business Investment Company Amendments Act of 2001,'' as amended, would permit the annual interest fee paid by Participating Securities SBICs to increase from 1.0 percent to no more than 1.38 percent. In addition, the bill would make three technical changes to the Small Business Investment Act of 1958 ('58 Act) that are intended to make improvements in the day-to-day operation of the SBIC program.

Projected demand for the Participating Securities SBIC program for FY 2002 is $3.5 billion, a significant increase over the FY 2001 program level of $2.5 billion. It is imperative that Congress approve this relatively small increase in the annual interest charge paid by the Participating Securities SBICs before the end of the fiscal year. The fee increase included in the bill, 1.38 percent, will allow the program to operate at its authorized level—$3.5 billion—an amount needed to help support small businesses as they help lead out country to an economic recovery.

The ''Small Business Investment Company Amendments Act of 2001'' would also make some relatively technical changes the '58 Act that are drafted to improve the operations of the SBIC program. Section 3 would remove the requirement that the SBA take out local advertisements when it seeks to determine if a conflict of interest exists involving an SBIC. This section has been recommended by the SBA, that has informed me that it has never received a response to a local advertisement and believes the requirement is unnecessary.

The bill would amend Title 12 and Title 18 of the United States Code to insure that false statements made to the SBA under the SBIC program would have the same penalty as making false statements to an SBIC. This section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the '58 Act would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5 of the bill would amend Section 313 of the '58 Act to permit the SBA to remove or suspend key management officials of an SBIC when they have willfully and knowingly committed a substantial violation of the '58 Act, any regulation issued by the SBA under the Act, a cease-and-desist order that has become final, or committed or engaged in any act, omission or practice that constitutes a substantial breach of a fiduciary duty of that person as a management official.

The amendment expands the definition of persons covered by Section 313 to be ''management officials,'' which includes officers, directors, general partners, managers, employees, agents or other participants in the management or conduct of the SBIC. At the time Section 313 if the '58 Act was enacted in November 1966, an SBIC was organized as a corporation. Since that

time, SBIC has been organized as partnerships and Limited Liability Companies (LLCs), and this amendment would take into account those organizations.

Time is of the essence. We need to act promptly and pass the Small Business Investment Company Act of 2001 today, so that the House of Representatives has time to act before the Congress adjourns in the coming weeks.

The bill was read the third time and passed, as follows:

S. 1196

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Small Business Investment Company Amendments Act of 2001''.

**SEC. 2. SUBSIDY FEES.**

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) by striking ''of not more than 1 percent per year'';

(B) by inserting ''which amount may not exceed 1.38 percent per year, and'' before ''which shall be paid''; and

(C) by striking ''September 30, 2000'' and inserting ''September 30, 2001''; and

(2) in subsection (g)(2)—

(A) by striking ''of not more than 1 percent per year'';

(B) by inserting ''which amount may not exceed 1.38 percent per year, and'' before ''which shall be paid''; and

(C) by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2001.

**SEC. 3. CONFLICTS OF INTEREST.**

Section 312 of the Small Business Investment Act of 1958 (15 U.S.C. 687d) is amended by striking ''(including disclosure in the locality most directly affected by the transaction)''.

**SEC. 4. PENALTIES FOR FALSE STATEMENTS.**

(a) CRIMINAL PENALTIES.—Section 1014 of title 18, United States Code, is amended by inserting '', as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or the Small Business Administration in connection with any provision of that Act'' after ''small business investment company''.

(b) CIVIL PENALTIES.—Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2)—

(i) by striking ''1341;'' and inserting ''1341''; and

(ii) by striking ''institution.'' and inserting ''institution; or'';

(C) by inserting immediately after paragraph (2) the following:

''(3) section 16(a) of the Small Business Act (15 U.S.C. 645(a)).''; and

(D) by striking ''This section shall'' and inserting the following:

''(d) EFFECTIVE DATE.—This section shall''.

**SEC. 5. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.**

Section 313 of the Small Business Investment Act of 1958 (15 U.S.C. 687e) is amended to read as follows:

**''SEC. 313. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.**

''(a) DEFINITION OF 'MANAGEMENT OFFICIAL'.—In this section, the term 'management official' means an officer, director, general partner, manager, employee, agent, or other participant in the management or conduct of the affairs of a licensee.

''(b) REMOVAL OF MANAGEMENT OFFICIALS.—

''(1) NOTICE OF REMOVAL.—The Administrator may serve upon any management official a written notice of its intention to remove that management official whenever, in the opinion of the Administrator—

''(A) such management official—

''(i) has willfully and knowingly committed any substantial violation of—

''(I) this Act;

''(II) any regulation issued under this Act; or

''(III) a cease-and-desist order which has become final; or

''(ii) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of a fiduciary duty of that person as a management official; and

''(B) the violation or breach of fiduciary duty is one involving personal dishonesty on the part of such management official.

''(2) CONTENTS OF NOTICE.—A notice of intention to remove a management official, as provided in paragraph (1), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon.

''(3) HEARINGS.—

''(A) TIMING.—A hearing described in paragraph (2) shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of notice of the hearing, unless an earlier or a later date is set by the Administrator at the request of—

''(i) the management official, and for good cause shown; or

''(ii) the Attorney General of the United States.

''(B) CONSENT.—Unless the management official shall appear at a hearing described in this paragraph in person or by a duly authorized representative, that management official shall be deemed to have consented to the issuance of an order of removal under paragraph (1).

''(4) ISSUANCE OF ORDER OF REMOVAL.—

''(A) IN GENERAL.—In the event of consent under paragraph (3)(B), or if upon the record made at a hearing described in this subsection, the Administrator finds that any of the grounds specified in the notice of removal has been established, the Administrator may issue such orders of removal from office as the Administrator deems appropriate.

''(B) EFFECTIVENESS.—An order under subparagraph (A) shall—

''(i) become effective at the expiration of 30 days after the date of service upon the subject licensee and the management official concerned (except in the case of an order issued upon consent as described in paragraph (3)(B), which shall become effective at the time specified in such order); and

''(ii) remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court in accordance with this section.

''(c) AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.—

''(1) IN GENERAL.—The Administrator may, if the Administrator deems it necessary for the protection of the licensee or the interests of the Administration, suspend from office or prohibit from further participation in any manner in the management or conduct of the affairs of the licensee, or both, any management official referred to in subsection (b)(1), by written notice to such effect served upon the management official.

''(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1)—

''(A) shall become effective upon service of notice under paragraph (1); and

''(B) unless stayed by a court in proceedings authorized by paragraph (3), shall remain in effect—

''(i) pending the completion of the administrative proceedings pursuant to a notice of intention to remove served under subsection (b); and

''(ii) until such time as the Administrator shall dismiss the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

''(3) JUDICIAL REVIEW.—Not later than 10 days after any management official has been suspended from office or prohibited from participation in the management or conduct of the affairs of a licensee, or both, under paragraph (1), that management official may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of the suspension or prohibition pending the completion of the administrative proceedings pursuant to a notice of intent to remove served upon the management official under subsection (b), and such court shall have jurisdiction to stay such action.

''(d) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

''(1) IN GENERAL.—Whenever a management official is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon that management official, suspend that management official from office or prohibit that management official from further participation in any manner in the management or conduct of the affairs of the licensee, or both.

''(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1) shall remain in effect until the subject information, indictment, or complaint is finally disposed of, or until terminated by the Administrator.

''(3) AUTHORITY UPON CONVICTION.—If a judgment of conviction with respect to an offense described in paragraph (1) is entered against a management official, then at such time as the judgment is not subject to further appellate review, the Administrator may issue and serve upon the management official an order removing that management official, which removal shall become effective upon service of a copy of the order upon the licensee.

''(4) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in paragraph (1) shall not preclude the Administrator from thereafter instituting proceedings to suspend or remove the management official from office, or to prohibit the management official from participation in the management or conduct of the affairs of the licensee, or both, pursuant to subsection (b) or (c).

''(e) NOTIFICATION TO LICENSEES.—Copies of each notice required to be served on a management official under this section shall also be served upon the interested licensee.

''(f) PROCEDURAL PROVISIONS; JUDICIAL REVIEW.—

''(1) HEARING VENUE.—Any hearing provided for in this section shall be—

''(A) held in the Federal judicial district or in the territory in which the principal office

of the licensee is located, unless the party afforded the hearing consents to another place; and

''(B) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

''(2) ISSUANCE OF ORDERS.—After a hearing provided for in this section, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section.

''(3) AUTHORITY TO MODIFY ORDERS.—The Administrator may modify, terminate, or set aside any order issued under this section—

''(A) at any time, upon such notice, and in such manner as the Administrator deems proper, unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4)(B), and thereafter until the record in the proceeding has been filed in accordance with paragraph (4)(C); and

''(B) upon such filing of the record, with permission of the court.

''(4) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Judicial review of an order issued under this section shall be exclusively as provided in this subsection.

''(B) PETITION FOR REVIEW.—Any party to a hearing provided for in this section may obtain a review of any order issued pursuant to paragraph (2) (other than an order issued with the consent of the management official concerned, or an order issued under subsection (d)), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

''(C) NOTIFICATION TO ADMINISTRATION.—A copy of a petition filed under subparagraph (B) shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

''(D) COURT JURISDICTION.—Upon the filing of a petition under subparagraph (A)—

''(i) the court shall have jurisdiction, which, upon the filing of the record under subparagraph (C), shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (3)(B);

''(ii) review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code; and

''(iii) the judgment and decree of the court shall be final, except that the judgment and decree shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code.

''(E) JUDICIAL REVIEW NOT A STAY.—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator under this section.''.

## PATENT, COPYRIGHT AND TRADEMARK LAW TECHNICAL CORRECTIONS

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 320.

The PRESIDING OFFICER laid before the Senate the following message:

*Resolved,* That the bill from the Senate (S. 320) entitled ''An Act to make technical corrections in patent, copyright, and trademark laws'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Intellectual Property and High Technology Technical Amendments Act of 2001''.*

***SEC. 2. OFFICERS AND EMPLOYEES.***

*(a) RENAMING OF OFFICERS.—(1)(A) Except as provided in subparagraph (B), title 35, United States Code, other than section 210(d), is amended—*

*(i) by striking ''Director'' each place it appears and inserting ''Commissioner''; and*

*(ii) by striking ''Director's'' each place it appears and inserting ''Commissioner's''.*

*(B) Section 3(b)(5) of title 35, United States Code, is amended by striking ''Director'' the first place it appears and inserting ''Commissioner''.*

Mr. REID. Mr. President, I ask unanimous consent the Senate concur with the House amendment with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2162) is agreed to.

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

## MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 208, H.R. 717.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 717) to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

There being no objection, the Senate proceeded to consider the bill (H.R. 717) which had been reported from the Committee on Health, Education, Labor, and Pensions with an amendment, as follows:

On page 16, after line 21, insert the following:

***SEC. 7. STUDY ON THE USE OF CENTERS OF EXCELLENCE AT THE NATIONAL INSTITUTES OF HEALTH.***

*(a) REVIEW.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the purpose of conducting a study and making recommendations on the impact of, need for, and other issues associated with Centers of Excellence at the National Institutes of Health.*

*(b) AREAS OF REVIEW.—In conducting the study under subsection (a), the Institute of Medicine shall at a minimum consider the following:*

*(1) The current areas of research incorporating Centers of Excellence (which shall include a description of such areas) and the relationship of this form of funding mechanism to other forms of funding for research grants, including investigator initiated research, contracts and other types of research support awards.*

*(2) The distinctive aspects of Centers of Excellence, including the additional knowledge that may be expected to be gained through Centers of Excellence as compared to other forms of grant or contract mechanisms.*

*(3) The costs associated with establishing and maintaining Centers of Excellence, and the record of scholarship and training resulting from such Centers. The research and training contributions of Centers should be assessed on their own merits and in comparison with other forms of research support.*

*(4) Specific areas of research in which Centers of Excellence may be useful, needed, or underused, as well as areas of research in which Centers of Excellence may not be helpful.*

*(5) Criteria that may be applied in determining when Centers of Excellence are an appropriate and cost-effective research investment and conditions that should be present in order to consider the establishment of Centers of Excellence.*

*(6) Alternative research models that may accomplish results similar to or greater than Centers of Excellence.*

*(c) REPORT.—Not later than 1 year after the date on which the contract is entered into under subsection (a), the Institute of Medicine shall complete the study under such subsection and submit a report to the Secretary of Health and Human Services and the appropriate committees of Congress that contains the results of such study.*

Mr. REID. I ask unanimous consent the committee amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (H.R. 717), as amended, was read the third time and passed.

## PROVIDING AUTHORITY TO THE FEDERAL POWER MARKETING ADMINISTRATIONS TO REDUCE VANDALISM AND DESTRUCTION OF PROPERTY

Mr. REID. Mr. President, finally, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2924 that was recently received from the House and which is now at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2924) to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the